

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COUNTY OF NEWPORT

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall on the 27th day of May 2008 A.D. at 7:00 p.m.

President Durfee opened the meeting with the Pledge of Allegiance to the Flag.

Roll Call:

Joanne M. Arruda
Donald Bollin
Paul E. Carroll
Hannibal F. Costa

Louise Durfee
Jay Edwards
Brian A. Medeiros

Town Administrator, James C. Goncalo
Assistant Town Solicitor, Jeanne Scott were also present.

Approval of Consent Agenda:

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Councilor Bollin at this time read all the items on the Consent Agenda for approval.

Councilor Edwards requested the removal of Items A-1-a and A-4.
Councilor Carroll requested the removal of Items A-3-g and A-4.

A motion was made by Councilor Edwards seconded by Councilor Medeiros to approve the remaining items of the Consent Agenda. The motion passed by a vote of 6-0-1 Councilor Arruda abstained.

The Consent Agenda was as follows:

CONSENT AGENDA

A-1 Approval of Minutes of Previous Meetings.

Approval of Executive Session Minutes May 12, 2008

A-2 Receipt of Minutes from Various Board and Commissions:

- | | | |
|-----------------------------------|-------------------------------|-----------------|
| a. Cemetery Commission (2) | e. Zoning Board of Review | j. Arts Council |
| b. Historical Cemetery Commission | f. Library Board of Trustees | |
| c. Tree Commission | g. Board of Canvassers | |
| d. Sakonnet Bridge Committee | h. Waste Water Management (2) | |
| e. School Committee (2) | i. Charter Review (3) | |

A-3 Correspondence

- a. Received From Secretary of State – House Resolution Worldwide Neighbor Day
- b. Received from Attorney Schermerhorn Regarding Request for Open Records and Response from Planning Board
- c. Received From Planning Board Regarding Land Development and Subdivision Approvals – Required Notices, Inspections
- d. Received from Town of North Kingstown - Resolution Regarding USS Saratoga
- e. Received from Town of Middletown - Resolution Supporting House Bill 7776
- f. Received from Warwick School Committee – Resolution Supporting H-7776

Approval of Minutes Regular Town Council Meeting May 12, 2008

Councilor Edwards removed this item from the Consent Agenda to carry this item over to the next meeting.

Received From M. Schreffler, School Psychologist Regarding School Resource Officer

Councilor Carroll removed this item from the Consent Agenda for further discussion. The Town needs to find a way to keep the School Resource officer position funded, as this is an asset to the school. If possible maybe drug forfeiture funds can be used. Councilor Carroll motioned to accept the letter from M. Schreffler recommending the position is funded. Councilor Medeiros seconded the motion, which passed unanimously.

Councilor Edwards removed the Public Hearing item from the Consent Agenda, then recused himself from the item and left the table.

Schedule Public Hearing on July 14th for Noise Variance for “Singing Out Against Hunger” at Evelyn’s Drive-In and Coastal Roasters to be Held in September

Councilor Medeiros motioned to approve a Public Hearing on July 14, 2008 on Noise Variance for “Singing out Against Hunger at Evelyn’s Drive-In and Coastal Roasters. Councilor Arruda seconded the motion which passed unanimously.

Councilor Edwards returned to the table for the continuation of the meeting.

PUBLIC HEARINGS

Councilor Medeiros recused himself from the following item.

The Town Council was sitting as the Board of Licensing Commissioners:

BOARD OF LICENSING COMMISSIONERS AND PUBLIC HEARINGS:

Compton Clambakes, LLC –2753 Main Rd.– Request Virtualing License Subject to Meeting All Legal Requirements and Late Filing Fee

Councilor Carroll motioned to issue a Virtualing License to Compton Clambakes, LLC, 2753 Main Rd., subject to meeting all legal requirements and a late filing fee. The motion was seconded by Councilor Costa and then passed 6-0-1. Councilor Medeiros abstained.

Councilor Medeiros returned to the table.

APPOINTMENTS & RESIGNATIONS

UNFINISHED BUSINESS

Tiverton Conservation Commission – Draft Ordinance Revision of Chapter 66, Section 55 – Dumping on Private and Public Property – Schedule Public Hearing

Ms. Patricia Sullivan, from the Conservation Commission submitted to the Council as requested a draft ordinance revision relating to large collection containers.

Councilor Costa motioned to schedule a Public Hearing on July 14, 2008 for the Ordinance Revision of Chapter 66, Section 55 – Dumping on Private and Public Property. Councilor Edwards seconded the motion, which then passed unanimously.

S. Berlucchi, DPW Director – Report to Council on Methoprene for Mosquito Control

DPW Director Steve Berlucchi was directed to research treatment methods for mosquito control. The Lobstermen Association suggested the use of a biological treatment, Bacillus sphaericus, in lieu of the current use of Methoprene for mosquito control treatment of catch basins. Director Berlucchi reported that Methoprene is used once a month for four months and is the most reliable product. This involves a slow release pellet that is a very effective. Bacillus sphaericus would flush after every rain and have to be reapplied. DEM recommends using the current product, there are no proven ill effects. The letter states a team of scientists and researchers from DEM, URI, the U.S. Geological Survey and HEALTH have reviewed and carefully considered the research on methoprene and on the basis of that review, DEM will continue to recommend and provide this product for the upcoming season.

Councilor Edwards motioned to accept the report from Director Berlucchi to continue using Methoprene seconded by Councilor Medeiros and then passed unanimously.

FINANCIAL BUSINESS:

Town Administrator – DPW Director – Request Approval of Transfer of Funds Acct #554-698 (Sand, Salt & Gravel) to Acct#554-623 (Supplies) for \$3,920

DPW Director Berlucchi requested to transfer \$7,032.00 to cover the cost of additional footage for emergency guardrail installation. There is enough money in this account as the bids are based on lineal footage. Councilor Costa motioned to approve the transfer of \$7,032 from Account # 554-698 (Sand, Salt & Gravel) to Account # 554-623 (Supplies). Councilor Medeiros seconded the motion that passed on a vote 6-1, Councilor Edwards opposed.

Town Administrator – Request Transfer Remaining “Carry Forward” Funds of \$38,186.54 to Litigation Account #105-359

Councilor Carroll motioned to approve a transfer of remaining carry forward funds of \$38,186.54 to Litigation Account # 105-359 to cover the invoice through April. Councilor Medeiros seconded the motion, which then passed unanimously.

NEW BUSINESS:

Town Council – Discussion of Financial Town Meeting and Next Steps to be taken

Regarding recessed FTM, President Durfee stated any interested parties should come with an open mind and express their views. The Town Moderator will control the Town Meeting with the Town Solicitor monitoring procedural steps. Councilor Medeiros brought up several points. The Budget on the Municipal side had no increase. The School Budget had a 2.5% increase. The biggest part of the increase was attributed to school bond debt. Cuts to the Budget are not scare tactics but legitimate steps that may have to be taken. Secondly Councilor Medeiros reminded everyone that this could split the Town, that people have a right to disagree and to override the cap as well. The majority will rule and everyone has a right to express an opinion.

President Durfee referred to a summary sheet from the Town Administrator indicating increase percentages in budget. Councilor Bollin noted taking \$600,000 from the School Budget doesn't mean they won't take action. That still leaves a \$1.4 million deficit. Cuts would be deep and affect every entity. The Town needs to take a serious look at the budget. Next year will also be difficult, not ruling anything out. Can't make drastic cuts and still have some semblance of services. Councilor Costa and Edwards had similar concerns with revenue shortfalls and possible cuts. Town Administrator Goncalo received a call from Municipal Affairs and was reminded this is not the only Town that has debt service issues.

Barbara Martin addressed the Council and stated it would be helpful if there were more specifics, like what \$1.4 million subtracted from the budget really means. Does not know how this can be calmly presented. Councilor Bollin said perception was that the cuts were seen as a threat. Does not want to penalize groups such as the Recreation programs, keeps youths busy and police less busy. Will be short staffed in every department. The drastic route would be to declare bankruptcy, build a new infrastructure. People need to understand ramifications will be cuts in services.

President Durfee stated the Town Administrator has begun to put numbers together; the Council has not yet looked at, with a level funded budget. Everything is on the table, can't come from an increase, none on the municipal side. Councilor Arruda stated if we are not alone then we need to look at the General Assembly for cutting funds to cities and towns, in essence forcing cities and towns to raise taxes. Councilor Arruda as an exercise had a difficult time trying to cut \$1.4 million from the budget, could only get to \$500,000.

Cynthia Nebergall addressed the Council and asked what they specifically intended to propose at the Town Meeting. President Durfee said she couldn't answer that but stated everyone who has a stake in this matter should attend expects a spirited meeting. There is a division in the Town and asked the Administrator to try to put forth categories to work on. Ms. Nebergall questioned the procedure of a recorded vote. The Town Solicitor can address that issue. President Durfee remarked the Moderator controls the meeting. Moderator Sippel was looking for guidance, President Durfee reminded the Moderator that any advice needs to come from the Town Solicitor.

Councilor Bollin remarked that everything that has been voted on does not change. Need 465 to reconsider the vote. See Town Solicitor for advisement. President Durfee stated there could be chaos if \$2 million is cut; getting bills out in a timely manner is imperative.

Schedule Interviews of Candidates for Town Administrator

President Durfee asked the Town Clerk to contact the finalists for the Town Administrator position to see if the Council can conduct interviews on Saturday May 31, 2008 between 9:00 a. m to 12:00 p.m.

BIDS & REQUESTS FOR PROPOSALS

Town Administrator – DPW Director – Request Approval of Award

Councilor Edwards motioned to award to the following low bidders seconded by Councilor Medeiros which then passed unanimously.

- a. Bituminous Concrete Paving- Awarded to the low bidder at the estimated amount of \$139,873.00

Cardi Corporation
Warwick, RI

- b. Catch Basin Blocks – Concrete block basin structures at \$270.78 per structure X 15 = \$4,061.70

Award to the only bidder at the estimated amount for one year only starting 7/1/08 through 6/30/09

Hi-Way Concrete Pro.Co.Inc.
Wareham, MA

- c. Roadside Grass and Brush Mowing - \$65.00 per hour

Award to the only bidder

Joseph Rego
93 Amesbury Lane
Little Compton, RI

Town Administrator – DPW Director – Request Permission to Obtain Proposals for Professional Engineering Services for the Production of Emergency Action Plans of Creamer and Mill Pond Dams

DPW Director requesting permission to obtain proposals for professional engineering services to prepare emergency action plans of two local dams he stated the Town is responsible to have completed prior to June 30, 2008.

Councilor Carroll motioned to approve, seconded by Councilor Medeiros.

Councilor Durfee concerned why Creamer and Mill Pond Dams are classified as high hazard dams. Discussion followed to ownership of dams and why Town should incur cost instead of property owners, especially at a time when state mandates are passed without any funding. Creamer is legal issue without association as deeded. Unable to place liens on property. Suggest letter to DEM to officially identify property before action plan.

Councilor Carroll withdrew his motion and suggested Solicitor review.

Councilor Durfee motioned to advise DEM the Town has no funds at this time and they should proceed against property owners. Seconded by Councilor Costa, passed unanimously.

Town Administrator – Permission to Award Contract for Tree Purchases

Town Administrator – Peter Moniz, Tree Commission – Requested Approval of Award for purchase of various trees as presented from Sylvan Nursery, Westport, MA funded by “America the Beautiful” grant. Sylvan Nursery was the only bidder. Motioned by Councilor Carroll, seconded by Councilor Edwards. Passed unanimously.

TOWN ADMINISTRATOR ANNOUNCEMENTS, COMMENTS AND QUESTIONS

1. Tax Assessor will be holding informal seminar on June 7th at 10:00a.m at the Town Hall regarding statistical revaluations. The seminar will last approximately one hour and will inform taxpayers of the revaluation process.
2. Town Administrator announced the status of Crandall Road abutters and Tiger Tree Landscaping. Notice of violation had been served on April 11th with 30 days to comply by Building Official and DEM. Compliance was in three areas

nursery, landscaping and composting. Nursery only allowed. DEM found deficiencies and is giving owner time to comply. Site visited this week.

COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

TOWN SOLICITOR, ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

No announcements for public at this time.

CLOSED EXECUTIVE SESSION

A motion was made by Councilor Bollin, seconded by Councilor Medeiros to enter Executive Session under 42-46-5(a)(2) – Litigation.

Motion passed unanimously.

. Town Solicitor - Litigation – 42-46-5(a)(2)

The Council entered into Executive Session at approximately 8:30 p.m.

The Council returned to Open Session at approximately 9:25p.m.

OPEN SESSION:

In open session Council President Durfee announced action had been taken in Executive Session. Councilor Edwards motioned to seal the minutes, seconded by Councilor Carroll. Motion passed unanimously.

ADJOURNMENT:

Councilor Carroll motioned to adjourn, seconded by Councilor Medeiros. Passed unanimously

Meeting adjourned at approximately 9:30 p.m.

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk